

## **Remarks**

Applicant respectfully requests reconsideration of this application. Claims 1 and 19 have been amended to eliminate extraneous language. Claim 1 has been further amended to restate terms as per the original disclosure or to otherwise make explicit features that were previously implicit in the claim. Consequently, none of the claim amendments are narrowing or substantive. Claims 3-5 and 25-35 have been canceled. No claims have been allowed.

The Office Action also notes that the drawing changes presented in the 12/09/03 preliminary amendment were not entered because Figure 6C was not labeled as "amended". In response, Applicant has amended Figure 6C appropriately and presented the change herewith as specified in 37 CFR § 1.173(b)(3).

A supplemental declaration is also submitted herewith.

### ***Art Rejections - 35 U.S.C. § 102(b)***

Claims 1, 2, 9, 12, 13, 15, 18, 21 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by JP 60-167712 ("Fujitsu"). Applicant respectfully traverses this ground of rejection.

Fujitsu discloses a head supporting mechanism that includes a spring arm of a flat plate-like spring member with two cuts and risen parts formed at the gimbal end of arm 31. One of the risen parts is a leaf spring 33 that holds the slider 36, and another one has a shape pushed up from its base and bent to the opposite side, and is a pressing leaf spring 34 for holding the slider downward. (See Abstract) Figure 6 is a side view of a different embodiment showing a protrusion 35 integral with arm 31, and a leaf spring 53 attached to an upper side surface of slider 36.

The embodiment of Fujitsu Figure 6 does not teach, disclose, or suggest a magnetic head suspension formed of a single piece of material that includes, *inter alia*, a load point tongue extending into a shaped opening of a flexure section, with

the load point tongue being “disposed substantially between said flexure beams and having a free end within said shaped opening, said load point tongue having a load supporting protrusion”, as recited in amended claim 1. Indeed, Fujitsu's Figure 6 embodiment does not show any sort of tongue member extending into any shaped opening whatsoever. Instead, Fujitsu's Figure 6 clearly shows that the portion of arm 31 that includes protrusion 35 is not disposed between the pair of beams (shown by the area without cross-hatching in Fig. 6) that connect arm 31 with leaf spring 53. In the embodiment of Figure 6 leaf spring 53 is disposed below the pair of beams that connect to the end portion of arm 31.

Furthermore, it is worth noting that in Fujitsu's Figure 6 embodiment, leaf spring 53 is bent below the plane of arm 31 to the same extent as projection 35, which is press formed in arm 31. This structure necessarily means that leaf spring 53 cannot be disposed between the pair of beams that connect to arm 31. The reason why is because projection 35 is integral with the end portion of arm 31 (i.e., formed at the point where the pair of beams connect to arm 31).

Fujitsu's Figure 6 also fails to teach or suggest the further limitation of the claimed subject matter wherein the slider is bonded to the transverse section that connects the two load beams. In Fujitsu's Figure 6 the slider is shown being bonded to a tab or tongue that extends downward and away from the transverse section (back toward arm 31) that connects the pair of beams.

Additionally, Fujitsu's Figure 6 embodiment fails to show a “single piece of material” wherein the flexure beams and load point tongue “lie substantially in the same plane”.

For all of the above reasons, Applicant respectfully submits that the subject matter of claim 1, as well as dependent claims 2, 9, 12, 13, 15, 18, 21 and 22, is not anticipated by Fujitsu.

### ***Art Rejections - 35 U.S.C. § 103(a)***

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujitsu (the embodiment of Figure 6). Additionally, claims 1, 2, 6, 9, 12, 13, 15, 18, 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujitsu (the embodiments of Figures 3 & 4). Applicant respectfully traverses each of these grounds of rejection.

With respect to claim 6, Applicant disagrees with the examiner's statement that the only difference between the claimed invention and Fujitsu's Figure 6 is the recitation of specific dimensions. For the same reasons given above, Applicant respectfully submits that Fujitsu's Figure 6 fails to teach, disclose, or suggest a head suspension assembly that includes a single piece of material comprising a load point tongue extending into a shaped opening, with the load point tongue being disposed substantially between the flexure beams and having a free end within the shaped opening. In addition, Fujitsu's Figure 6 fails to teach or suggest an air bearing slider bonded to the transverse section that connects the pair of flexure beams, as defined by the claimed subject matter, as well as a head suspension assembly in which the flexure beams and load point tongue lie substantially in the same plane. As explained above, Fujitsu's Figure 6 embodiment does not teach or suggest any sort of tongue member extending into a shaped opening.

With respect to claims 1, 2, 6, 9, 12, 13, 15, 18, 21 and 22, in Figures 3 & 4 Fujitsu shows two cut and raised portions provided on the end portion of arm 31. One cut and raised portion is used as a flat spring 33 that supports the magnetic head slider 36. The other cut and raised portion is pushed upwards from its substrate and further bent on the opposite side, and used as a pressuring flat spring 34 that downwardly presses said slider supporting flat spring 33. The examiner considers this "bent over" pressurizing flat spring 34 as essentially the same as

Applicant's claimed "load point tongue", except that Fujitsu locates his projection 35 on the tab (or tongue) formed as part of the slider supporting flat spring 33.

Besides lacking a load supporting protrusion, Fujitsu's pressurizing flat spring 34 does not extend from the load beam section into the shaped opening of the flexure section, and is not disposed substantially between the flexure beams, as required by the amended claims. The fact that pressurizing flat spring 34 is formed from a cut and raised portion that is pushed upwards bent over on the opposite side necessarily means that it cannot be disposed substantially *between* the pair of beams. Furthermore, it means that Fujitsu's pressurizing flat spring 34 and pair of beams (unnumbered) cannot lie substantially in the same plane. In other words, because it is raised up and bent over spring 34 must necessarily be disposed above both the shaped opening and the pair of beams. Indeed, this is exactly what Fujitsu teaches in Figure 4, which clearly shows the entire flat spring 34 being disposed above the shaped opening and pair of beams (shown by the area above slider 36 without cross hatching).

The mere fact that the prior art may be modified in a manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 972 F.2d 1260, 1266 n.14 (Fed. Cir. 1992). Here, an ordinary practitioner in the art would have had to make at least three specific modifications or changes to Fujitsu's embodiment of Figures 3 & 4 to arrive at the claimed invention: (1) Eliminate the pressurizing flat spring 34 (formed from a cut and raised portion that is pushed upwards bent over on the opposite side) in favor of a planar tab or tongue that extends into a shaped opening that defines two flexure beams; (2) Locate a load supporting protrusion on the load point tongue; and (3) Eliminate the slider supporting flat spring 33 and instead bond the slider to the transverse section that connect the pair of beams defined by the shaped opening. None of these modifications or changes are disclosed or suggested by

Fujitsu. Nor can any one of these modifications be made in isolation or irrespective of any other change.

In this case, Applicant respectfully submits that the Fujitsu reference actually teaches away from the claimed invention because it specifically describes an embodiment (Figure 5) with a projection 35 formed on pressurizing flat spring 45 which departs significantly from the subject matter of the claimed invention. All of Fujitsu's embodiments require some sort of bending or folding over of a cut portion of the arm material. Specifically, in Fujitsu's Figure 5, slider supporting flat spring 44 is provided as one body on the tip of the spring arm 31 and is formed by being cut and raised *twice* in alternate ways in the direction of the length. The pressuring flat spring 45 is bent in the opposite direction from the bend in Figure 4. Applicant therefore respectfully submits that an ordinary practitioner presented with the teachings of Fujitsu, and seeking to locate the load projection on the pressurizing spring as opposed to the slider supporting spring, would have followed the teachings of Fujitsu's Figure 5 embodiment. In other words, Fujitsu's disclosures would have been highly unlikely to lead one having ordinary skill in the art to the claimed invention because the express teachings or suggestions found in the cited reference are contrary to the head suspension assembly recited in the claims.

Claims 7& 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujitsu (the embodiment of Figure 6) in view of Carlson et al. (US 5,008,768; "Carlson"). In addition, Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujitsu in view of Watrous (US 4,167,765; "Watrous"). Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujitsu in view of Toensing (US 5,012,367; "Toensing"). Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujitsu in view of Morehouse et al. (US 5,237,472; "Morehouse"). Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujitsu in view of Christianson et al. (US 5,461,525;

"Christianson"). Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujitsu in view of Blaeser et al. (US 5,187,625; "Blaeser"). Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujitsu in view of Wolter (US 5,291,359; "Wolter"). Finally, claims 23-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujitsu in view of King (US 4,399,476; "King").

None of the above-listed additional references include any teaching or suggestion of the elements and limitations missing from Fujitsu. In particular, none of the cited references, either taken alone or in combination, teaches or suggests a head suspension assembly with a single piece of material comprising a flexure section having a shaped opening which defines two flexure beams, a load point tongue disposed substantially between the flexure beams within the shaped opening such that said flexure beams and load point tongue lie substantially in the same plane, the load point tongue having a load supporting protrusion, and with an air bearing slider bonded to the transverse section that connects the flexure beams.

Applicant therefore respectfully submits that the invention of remaining claims 1-2, and 6-24 would not have been obvious to one of ordinary skill in the art at the time it was made in view of the prior art.

### ***Double Patenting Rejections***

Claims 1, 2, 9, 11, 15, 16, 18, 23 and 24 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 36-41 of copending Application No. 08/662,885. In addition, claim 11 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 36 of copending Application No. 08/662,528. To overcome these rejections, Applicant is submitting herewith a terminal disclaimer that disclaims the terminal part of any patent granted on the above-identified applications, which would extend beyond the

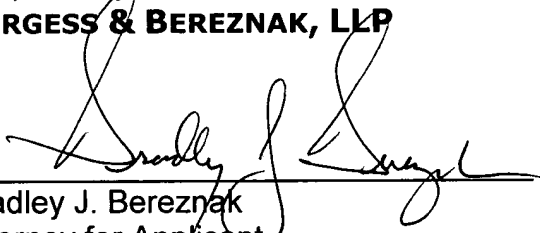
expiration of the full statutory term of any patent grant of Application Nos.  
08/662,528 and/or 08/662,885.

All objections and rejections having been traversed, Applicant respectfully  
submits that all remaining claims are now considered to be in condition for  
allowance.

Please charge any shortages of fees or credit any overcharges of fees to our  
Deposit Account No. 50-2060.

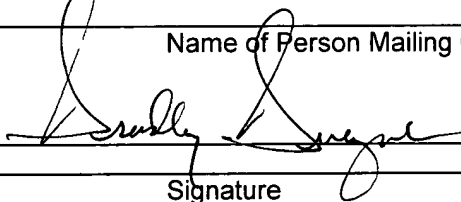
Respectfully submitted,  
**BURGESS & BEREZNAK, LLP**

Dated: 2/10, 2006

  
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**FIRST CLASS CERTIFICATE OF MAILING**  
**(37 C.F.R. § 1.8(a))**

I hereby certify that the foregoing **AMENDMENT AND RESPONSE** is being deposited with the United  
States Postal Service as first class mail with sufficient postage in an envelope addressed to the M/S  
Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 2/10/06.

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## **Drawing Amendments**

Attached herewith is a copy of the replacement drawing sheet that includes Figure 6C, with the label "Amended" under Figure 6C.